

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jesse Rowland,

Civ. No. 22-1692 (PAM/LIB)

Petitioner,

v.

MEMORANDUM AND ORDER

FMHP, and MSH,

Respondents.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Leo I. Brisbois dated October 14, 2022. (Docket No. 30.) The R&R recommends denying Petitioner Jesse Rowland’s Petition for habeas-corpus relief as untimely and for failure to exhaust state remedies, and further recommends denial of the multiple additional motions Rowland has filed. A week after the R&R issued, Rowland filed a “Motion to Reassign a Judge” (Docket No. 33), but has otherwise filed no objections, and the time to do so has passed. D. Minn. L.R. 72.2(a)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

The R&R thoroughly recounted the factual and procedural history of this matter, and that history will not be repeated here. Rowland challenges his state-court civil

commitment order, but Rowland was committed in 2011. The federal habeas statute imposes a one-year statute of limitations for any challenge to a state court judgment. 28 U.S.C. § 2244(d)(1). Rowland's challenge is more than a decade too late. Moreover, as the R&R concluded, at least three of Rowland's claims are challenges to the conditions of his confinement, not the fact or duration of that confinement, and are thus not cognizable in a federal habeas action. (R&R at 6-7.)

To the extent that Rowland seeks to challenge the most recent state-court order denying his request for a discharge from civil commitment, the R&R notes that Rowland's appeal of this challenge remains pending before the Minnesota Court of Appeals. (Id. at 4-5.) He has not exhausted his state remedies as to this challenge.

Finally, Rowland asks that this case be reassigned to a judge in Minneapolis or another county. (Docket No. 33.) This is federal court with jurisdiction over the state of Minnesota. Federal judges are not assigned by city or county. Rowland's request is denied.

The R&R correctly determined that most of the claims in the Petition are untimely, and that the remaining claim is unexhausted. Because no reasonable minds could differ as to this conclusion, the R&R likewise correctly determined that no certificate of appealability should issue. Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). And because Rowland's substantive claims are dismissed, his remaining motions will also be denied.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 30) is **ADOPTED**;
2. The Amended Petition (Docket No. 12) is **DISMISSED without prejudice**;

3. Petitioner's Motion for a Brief Length Extension (Docket No. 2) is **DENIED as moot**;
4. Petitioner's Motion for a Single Copy of Petition and Related Documents to be transmitted to the Court of Appeals (Docket No. 3) is **DENIED as moot**;
5. Petitioner's IFP Applications (Docket Nos. 6, 13) are **DENIED as moot**;
6. Petitioner's Motion to Substitute Petition (Docket No. 11) is **DENIED as moot**;
7. Petitioner's Motions for Appointment of Counsel (Docket Nos. 17, 20) are **DENIED**;
8. Petitioner's Motion for an Extension of Time (Docket No. 19) is **DENIED**;
9. Petitioner's Motion for an Evidentiary Hearing (Docket No. 23) is **DENIED as moot**;
10. Petitioner's Motion for the Case to Be Found Favorable (Docket No. 25) is **DENIED as moot**;
11. Petitioner's Motion to Be Moved to Federal Prison, Hospital, or Other Facility (Docket No. 30) is **DENIED**;
12. Petitioner's Motion to Reassign a Judge (Docket No. 33) is **DENIED**; and
13. No certificate of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 7, 2022

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge